

**WEST VALLEY CITY  
PLANNING COMMISSION  
MINUTES**

**March 25, 2015**

The meeting was called to order at 4:00 p.m. by Vice-Chair Clover Meaders at 3600 Constitution Blvd., West Valley City, Utah

**WEST VALLEY CITY PLANNING COMMISSION MEMBERS**

Brent Fuller, Jack Matheson, Terri Mills, Clover Meaders, Latai Tupou, and Martell Winters

**ABSENT**

Harold Woodruff and Barbara Thomas

**WEST VALLEY CITY PLANNING DIVISION STAFF**

Steve Pastorik, Steve Lehman, Jody Knapp, Kevin Despain, and Nichole Camac

**AUDIENCE**

Approximately twelve (12) people were in the audience

## **ZONE TEXT APPLICATIONS**

### **ZT-2-2015**

**Alisha Ungerman**

#### **Amending the number of children allowed for a Home Preschool from 6 to 12 per session**

Alisha Ungerman, a resident of West Valley City, has submitted a zone text change application to increase the number of children allowed in a Home Preschool. She requests to amend 7-1-103(101), the definition of a Home Preschool, and 7-8-103 "MAJOR HOME OCCUPATION STANDARDS" to allow 12 children per session of instruction. The current definition allows Home Preschools to have up to 6 children per session of instruction. Home Preschools are processed as a Major Home Occupation within residential zones which requires the review of the Planning Commission as a conditional use. The standard of limiting child care within a home to 6 children per session has been in place since the City's inception.

Ms. Ungerman has submitted a letter outlining the reasons for her proposal. She states that there is a demand within West Valley City for in-home preschools. Ms. Ungerman is the owner of the licensed preschool, Learn N Play. She, along with other home preschool owners, has had to turn away interested parents due to the limit of students allowed per class. In her experience, parents prefer to have a class setting that involves more children.

She has contacted 11 cities within Salt Lake County to compare standards (see attached Appendix A). A majority of the cities contacted allow up to twelve students per class. According to her letter, there are several unlicensed home preschools within the City that have chosen not to comply with the limit of allowed children per class. She feels that more persons would comply and obtain the proper licensure provided that the class size was increased.

She has also submitted a petition from parents and neighbors. There are four (4) different preschool teachers that have acquired signatures of parents and also their neighbors. Three of the teachers are currently licensed whereas one is a former teacher. Between the four licensed preschool teachers, 45 different parents and an additional 82 neighbors have signed in favor of allowing an increase from 6 to 12 students. The petition is included as Appendix B of the application. To protect the identity and personal information of the signees, this information will be available upon request.

#### **Staff has reviewed the application, supporting documents, and makes the following analysis.**

Home Preschools are considered a Home Occupation. The intention of a Home Occupation is to allow business activities as a secondary and incidental use to the residential use of the dwelling. The use should be conducted so that neighbors would not be aware of its existence.

Several cities within Salt Lake County do in fact allow up to 12 children per session for a home preschool. In every case, except for one, the municipality has allowed an outside employee to come to the home as part of a home occupation. West Valley City's Home Occupation ordinance does not allow for an additional non-resident employee to come to the house. Several municipalities also have limitations on the number of sessions allowed per day. Staff's review of other municipalities is included in a table which is attached.

A primary concern that staff has in regard to an increase in number of children is also the increase of vehicular traffic to the residence. It has been a concern in the City of having too much traffic within a neighborhood associated with Home Occupations. This is not in keeping with the intention of Home Occupations and would detract from the residential feel of the neighborhood. A few of the municipalities researched have specific limitations on the amount of traffic coming to the home for a home preschool.

Furthermore, Home Preschools, as defined, are not required to obtain a state regulated child care license. Home Preschools are exempt due to the fact that the duration of classes is less than four hours per session.

The state regulated child care license requires various background checks and inspections. The Bureau of Child Development, a state agency, which licenses and regulates home child care, requires a ratio of 8 children of mixed age to one caregiver.

There are currently 8 licensed Home Preschools in the City.

#### Planning Commission Study Session

The Planning Commission was also concerned with the increase in children allowed per session. There were concerns of the preferred ratio of children to caregiver and also the amount of traffic coming to the home.

In discussions with the applicant after the study session, Ms. Ungerman would be amenable to further refining the proposal to amend the ordinance regarding Home Preschools. She feels that preschool owners would prefer 12 children per session but would be willing to accept an ordinance that allowed for less than 12 but more than 6 children per session along with other requirements.

#### **Staff Alternatives**

1. Continuance, to allow staff to work with the applicant to further refine a proposal to amend city ordinances regarding Home Preschools.
2. Denial, increasing the number of children allowed for a Home Preschool to 12 children per session is not in keeping with the purpose of a Home Occupation.
3. Approval of the application to amend 7-1-103 (100) and 7-8-103 to allow a maximum of 12 children for a Home Preschool.

#### **Applicant:**

Alisha Ungerman  
6337 S Clover Creek Lane

#### **Favored:**

Shayla Fairclough  
7152 W Hunter Dawn Way

#### **Favored:**

Nate Fairclough  
7152 W Hunter Dawn Way

#### **Favored:**

Katie Wessman  
6882 Cavoleen Park Cir.

#### **Favored:**

Brittany Peterson  
7050 W 3800 S

**Discussion:** Kevin Despain presented the application. Jack Matheson asked if all home preschools are conditional uses and considered to be major home occupations. Kevin replied yes. Commission Matheson stated that he wouldn't be opposed to allowing 12 students as long as the Planning Commission can evaluate each business at a conditional use level to ensure that 12 students will work in a particular home. Brent Fuller agreed and stated 12 students may make sense in certain areas but not others.

Alisha Ungerman, the applicant, stated that an in home preschool is different than a home childcare. She stated that childcare targets a wide range of children between the hours of 6 am and 10 pm and providers must make meals, change diapers, etc. Ms. Ungerman stated that in home preschools target children ages 3-5 years old for a short period of time. During this time children are in a structured environment where they can participate in various learning activities and develop social skills. She indicated that the current cap of 6 children allowed in an in home preschool limits the amount of social interaction children need prior to entering kindergarten. Ms. Ungerman added that if a child is sick or can't attend a session the number of students is further limited which almost makes the class not worth having. She stated that parents are in favor of increasing the cap so that their children can gain the social skills they need before entering into a kindergarten classroom of 25 students. Ms. Ungerman stated that between her preschool and others in the City there are 41 neighbors in favor of increasing the cap. She stated that parents are able to walk their child to the preschool most of the time and added that some even carpool and vehicles are there for only 1

minute. Clover Meaders asked if there were any people in opposition. Ms. Ungerman replied no. Commissioner Matheson asked if another adult would need to be present when a preschool has 12 students. Ms. Ungerman replied no and indicated that 12 preschool students per adult would likely be the maximum that a single teacher could manage. She indicated that it's a very structured classroom setting so children are not running around freely. Vice-Chair Meaders stated that other cities have requirements like review of traffic plans and she would like to explore options like this a little further before rendering a decision. Latai Tupou asked what square footage of the home is used for the preschool. Ms. Ungerman replied that she uses about 500 square feet and added that there is also outdoor space that is utilized. Vice-Chair Meaders asked how many of her preschool parents drive. Ms. Ungerman replied about half which is 3. Vice-Chair Meaders asked if cars typically honk when they arrive. Ms. Ungerman replied no and stated that she is outside waiting for the parents and greeting the children. She added that most neighbors are not home during the day so they don't experience any potential negative impacts. Commissioner Tupou asked if Ms. Ungerman discussed the potential change with the neighbors. Ms. Ungerman replied yes.

Shayla Fairclough, an in home preschool provider, stated that she has had to turn many people down due to the fact that she can only have 6 children per session. She indicated that she had to increase her number of sessions which created more traffic all day and neighbors began noticing this. Ms. Fairclough stated that there would be less impact if 12 cars came twice a day as opposed to traffic all day with more sessions.

Nate Fairclough stated that parents were educated on the drop off process to mitigate traffic and safety concerns. He indicated that everything is very organized upon arrival, exiting the home, and being picked up by parents. He indicated that it is not a free for all like a school would be and indicated that ensuring traffic flow runs smoothly is part of the business license process.

Katie Wessman, a parent, stated that she would like her child to be able to attend a neighborhood preschool but it's very important that social interaction with other students is able to occur.

Brittany Peterson, an in home preschool provider, stated that preschool is about learning, community, and teaching children to work together. She stated that she feels children respond better in a larger group because they encourage each other to act more responsibly. If there is one child that is acting out, it's easier to pull that child aside and resolve an issue. If there is a smaller group and a child acts out, all the other children tend to follow suite. Ms. Peterson added that her daycare is divided into different learning sections and she is unable to operate the different sections and fully educate with only 6 children.

Commissioner Matheson stated that he would like something that would ensure traffic flow is handled reasonably but added that he doesn't think it's as big a concern as it's made out to be. He indicated that there are some homes that wouldn't work with 12 children but this can be evaluated and limited in the conditional use process. Brandon Hill stated that it would be difficult to limit the number of children at a conditional use phase and he recommends having a firm number that the Planning Commission is comfortable with in the City. He stated that it would be legally very difficult for the Planning Commission to justify reducing or increasing the number of children allowed in an in home preschool based on an individual basis. Martell Winters stated that he is in favor of increasing the number of children allowed but would like time to better understand how traffic concerns can be mitigated. Brent Fuller agreed. Commissioner Matheson stated that he feels comfortable allowing 10 children per session. Terri Mills disagreed and indicated that residential zoning is meant to be an area where people live and not a place for businesses to operate. She indicated that the preschools discussed today display neighborhoods working in harmony but not every at home preschool will function as well.

**Motion:** Commissioner Fuller moved for continuance.

Commissioner Tupou seconded the motion.

**Roll call vote:**

Commissioner Fuller	Yes
Commissioner Matheson	No
Commissioner Mills	Yes
Commissioner Tupou	Yes
Commissioner Winters	Yes
Vice- Chairman Meaders	Yes

**Majority-ZT-2-2015- Continued**

**SUBDIVISION APPLICATIONS**

**PUD-2-2015**

**Truong PUD – Phase 2 Final Plat**

**1559 West 3860 South**

**RM & C-2 Zones**

**50 lots**

**5.6 Acres**

**BACKGROUND**

Russell Platt, representing the property owner, is requesting final plat approval for the second phase of the Truong Planned Unit Development. The subject property received preliminary approval from the Planning Commission in September 2012. The first phase was recorded in September 2013 and is presently under construction.

**STAFF/AGENCY COMMENTS:**

**Public Works Department:**

Authorization required of ditch/water users for any abandonment, relocation, piping or any other modifications to existing ditches or irrigation structures.

Contact Salt Lake County Auditor's Office for approval of street names and subdivision names.

Existing improvements and those that will be constructed along 3860 South shall be installed in accordance with plan and profiles approved by the Engineering Division.

Concern with regards to grading and drainage. Especially as it relates to the access road along the north property line.

Revisions to plat required.

Flood control issues to be coordinated with Public Works.

**Utility Companies:**

Developer to coordinate all utility connections.

**Granger Hunter Improvement District:**

Project is subject to all GHID requirements and design standards.

Fire Department:

Fire hydrant locations need to be shown on subdivision plat.

Project shall meet all provisions of Fire Code relating to this type of development.

Secondary access from Grasmere Lane required. Install removable bollards for fire access.

Understanding that the Parks Department would like a softer look for the secondary access lane through the future City Park, the Fire Department is willing to approve turf block or other similar products for the emergency access.

Building Division:

Follow recommendations outlined in the soils report.

Parks Department:

Install Turf Block or similar product along the north 20-feet of the future City Park.

Install fencing along the western boundary of the future City Park. Fence type is recommended to be black vinyl coated chain link. This will help delineate the public from private space and will help define those areas to be maintained by the HOA and City.

Development agreement requires that 1 full acre be deeded to the City. Plat acreage is slightly less than what is required.

**ISSUES:**

The second phase of the Truong PUD will consist of 50 residential lots, 1 commercial lot and 4 parcels. During the rezoning of this property, a development agreement was reviewed and approved by the Planning Commission and City Council. All conditions outlined in this agreement will be required as part of the approval process. Due to the size and scope of this development, staff would like to address the following issues:

**Access:**

Access to the subdivision will be gained from 3860 South. All streets within the development will be private. The private right-of-ways will be 26 feet in width. Improvements within the ROW will be 24 feet of asphalt, a rolled gutter and ribbon curb to contain the asphalt.

Due to 3860 South being the only access to this property, a secondary access will be required. During the preliminary review process, a secondary access was proposed at Grasmere Lane. The secondary access road will be located along the north side of the future City Park being adjacent to the Gates at Kingpointe PUD and will be 20-feet in width.

Should the secondary access road need to be used by the Fire Department, it will need to support the weight of their vehicles. Thus, it is important to make sure that the construction of this access road be in accordance with their approval.

The Parks Department understands the need for the road to handle large vehicles, but would like to see a soft look as opposed to a hard surface such as concrete or asphalt. They are recommending that the developer install a turf-block, or similar product that would allow grass to grow between the cells. After discussing the matter with the Fire Department, they are fine with that recommendation.

To discourage people from driving on the secondary access road, the developer will need to install removable bollards at the entrance. These bollards will need to be reviewed and approved by the Fire Department. The City will also install a sign indicating that the access road is for Fire Department use.

**Housing:**

Housing proposed for this project will be a combination of 2 and 3 story units. The 2 story units will be approximately 1540 square feet of finished floor area. In addition, a 680 square foot basement is also planned for many of these units. The 3 story units will be approximately 1960 square feet, but will not have a basement. Each unit will have a two car garage accessed from the rear of the building allowing the front of each dwelling to front a common green.

The elevations consist of architectural enhancements placed along different planes to create visual depth. This will result in a more attractive building. Varied roof pitches and second floor balconies will add to this concept. The rear elevation has been designed with boxed windows, raised roof sections and building relief to help enhance these elevations. Building materials will consist of brick, stucco and fiber cement siding.

The developer is proposing to use two color schemes for this project. Additional colors will be used on the hardi-plank to accentuate certain portions of the buildings.

**Garbage Collection:**

The development has been designed with a U shaped street pattern. This will allow all residents to have their own garbage can. Dumpsters will not be needed in this project. The developer will need to coordinate garbage collection with a private agency for collection.

**Parking:**

All units will have a two car garage. The three story units will have a driveway in front of the unit, while two story units will not. Even though the City's parking requirements would be satisfied, (2 spaces per unit) a number of guest parking spaces will be provided as well. The total number of required spaces is 100 and 172 are being provided. The developer is considering additional guest spaces somewhere on the eastern portion of the development, but has not yet decided if it is necessary, as all of these units will have full driveways.

**Fencing:**

The development agreement sets forth the fencing requirements. There is to be no solid fencing along 3860 South, but a 6-8 foot masonry wall will be required along the east, west and north sides of the existing commercial building. The developer had mentioned putting in a 3-rail fence along 3860 South, but has yet to determine if that will be needed.

As part of the PUD application, staff and the Parks Department is recommending that a 6-foot black coated vinyl fence be installed along the west boundary of what will become the City Park. This will help delineate the private from public space and will also be a marker for maintenance crews. A fence type other than chain link could be used, but would need to meet with the Parks Department standards. The developer can coordinate this with the Parks Department.

In addition to the general fencing noted above, additional fencing and a gated fence will need to be installed at the north end of 1530 West. This fence will help keep the secondary access from being used by residents or those visiting the property. A Knox-box will allow the Fire Department to access the gate should an occasion ever arise.

**Landscaping:**

The overall open space has been calculated at 3.31 acres for this development. This number comprises just over 50% of the project area. As required in phase 1, phase 2 will have enhanced landscaping along 3860 South to help buffer buildings from the street. A more formal landscape plan will need to be submitted prior to the plat being recorded.

**Soils Report:**

Basements were not originally planned for this development. However, prior to the recordation of the first phase, the developer submitted a soils report that indicated ground water was not encountered to a depth of 25 feet. The report did indicate however that ground water levels could fluctuate as much as 10-15 feet. Even with this possibility, basements could be installed for certain units in the development. Based on these findings, the developer has installed basements for the two story units.

**City Park:**

Per the development agreement, a parcel 1 acre in size will be deeded to the City for use as a City Park. As mentioned previously, a secondary access road will be installed by the developer along the northern portion of the park property. The Parks Department will maintain everything on the City's property, and the HOA will maintain everything else.

To deter people from using the secondary access the Fire Department is recommending that the developer install removable bollards at the entrance to the access road. This improvement will need to be coordinated with the City Fire Department.

**Site Management**

The developer will provide a Home Owner's Association for the entire project. The association will be responsible to hire a property management company. As per previous PUD applications, staff will recommend that prior to this development being turned over to the association, a meeting with staff, developer and Management Company take place. This will provide an opportunity to ensure that all development standards and improvements have been completed in accordance with the Planning Commission's approval of this project.

**STAFF ALTERNATIVES:**

- A. Grant final approval for the Truong PUD Phase 2 Subdivision subject to the following conditions:
1. That the developer resolve all staff and agency concerns.
  2. That all housing comply with the multiple family design standards outlined in the City ordinance.
  3. That the applicant follow the recommendations outlined in the soils report.
  4. That the developer submit a formal landscape plan prior to recordation of the second phase. Said plan shall provide measures to ensure water conservation techniques will be used in accordance with City ordinances.
  5. That all provisions of the West Valley City Fire Department be satisfied. This will include the installation of an approved turf block access road and bollards installed at the entrance off of Grasmere Lane.
  6. That the developer resolve any issues regarding irrigation ditches and irrigation water that may be in use. This includes any necessary easements for storm water runoff.



7. That compliance be made with Granger Hunter Improvement District, i.e., water line extensions, connections, water rights and fire protection.
8. That the subdivision name and street names be approved by the Salt Lake County Auditor's Office.
9. That proposed building setbacks be in accordance with the site plan reviewed as part of this application. Slight modifications can be made to this plan if needed in order to accommodate utilities or other infrastructure.
10. That all conditions related to the development agreement be made part of this approval.
11. That building elevations, colors and materials, be in accordance with those presented to the Planning Commission during the January 23, 2013 meeting.
12. That lighting be provided throughout the entire development. In addition, the developer will need to coordinate street lighting on 3860 South with the City Engineering Division.

B. Continuation, in order for the developer to address issues raised during the public hearing.

**Applicant:**

Russ Platt  
1759 E 4620 S

**Discussion:** Steve Lehman presented the application. Russ Platt, the applicant, stated that the townhome units in the first phase have been very well received. He added that they were originally planning on a starting point of \$170,000 but are currently selling for \$210,000. He indicated that resources are now available to finish the development and the entire project should be completed within the next 18 months. Mr. Platt stated that he would prefer a 3 rail fence around the park instead of a chain-link one because he feels this would provide a softer look and be a nice transition from public to private properties. Terri Mills stated that she prefers the 3 rail fence as well and suggested that no fence be added along 3860 S since the street view is nicely landscaped and open. Mr. Platt agreed. Commissioner Mills asked what type of perimeter the decks will have. Mr. Platt replied a dark bronze metal wrap that will blend in with the development and will not deteriorate. Jack Matheson stated that the plat is well designed but suggested more visitor parking spaces. Mr. Platt replied that this is difficult since open space requirements had to be met while ensuring good traffic flow, etc. Martell Winters suggested extending the 3 rail fence to the knuckled street to the east and indicated this may help prevent vehicular access to the park as well.

Commissioner Mills asked why the Parks Department doesn't want to see pedestrian access on the fire lane. Steve replied that pedestrians can still access this but the City doesn't want people parking in this location. He indicated that it will be open for people to use but will be signed as a fire access with removable bollards to prevent vehicular access. Commissioner Mills asked if strollers will be able to go over the proposed turf block. Steve replied the surface would be rough and although similar to grass, the surface would be hardened but bumpy.

**Motion:** Commissioner Winters moved for approval subject to the 12 conditions adding condition 13 to state: A 3 rail fence shall be installed at the west end of the park to delineate public and private property and to prevent vehicular access.

Commissioner Fuller seconded the motion.

**Roll call vote:**

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Tupou	Yes
Commissioner Winters	Yes
Vice-Chairman Meaders	Yes

**Unanimous-PUD-2-2015- Approved**

**CONDITIONAL USE APPLICATIONS**

**C-18-2015**

**T-Mobile (Rocky Schutjer)**

**2305 S. 1070 W.**

**B/RP Zone (4.85 Acres)**

T-Mobile is requesting a conditional use for the construction of roof mounted antennas at 2305 South 1070 West. This property is zoned business research park (B/RP) and the West Valley City General Plan designates this area as a Business Park. The surrounding zone is B/RP on all sides with the Jordan River as the eastern most boundary of the property.

T-Mobile would like to install (3) roof mounted antennas on top of the building at this location. These structures will be set back 10' from the edge of the building and will be 10' tall, which complies with the location standards set forth in section 7-23-206 of the WVC Municipal Code. The antennas would be painted brown to match the building. T-Mobile has not proposed to add any screen type structure around the antennas due to the flat design of the roof and the spacing of the different sectors.

Due to the poor coverage in the area, the previous tenant in the building utilized an interior T-Mobile network to boost their service and connectivity inside the building. This was a temporary fix until a permanent macro-site could be installed. Therefore, there is already a fenced equipment area located adjacent to the building. It is screened with privacy slats and the existing equipment will be converted over to support the roof mounted equipment that will provide better coverage for this entire area. That equipment includes up to 3 cabinets that power the antennas on the roof. A generator is not proposed for this site.

**Staff Alternatives:**

- Approval, subject to the resolution of any issues raised at the public hearing and the following conditions:
  1. The antennas shall be installed per the approved plans and in accordance with Chapter 7-23 of the WVC Municipal Code.
  2. The antennas shall be painted to match the colors of the existing building.
  3. The supporting equipment shall be located in a screened enclosed area per the approved plans.
  4. Must comply with all other relevant requirements set forth from applicable department and agencies.
- Continuance, to allow for the resolution of any issues raised at the public hearing.

**Applicant:**

Blake Hanson

**Discussion:** Jody Knapp presented the application. Blake Hanson, representing the applicant, stated that T-Mobile would like to expand telecommunication in this area. Terri Mills asked which corners of the building the antennas will be located. Mr. Hanson replied one will be on the northwest corner and two on the northeast corner. Commissioner Mills asked if the antenna itself is 10 feet tall. Mr. Hanson replied that 10 feet is the total height of the structure including the pad but the antennas themselves are around 8 feet tall. Commissioner Matheson asked how far service can be provided. Mr. Hanson replied one to ten miles depending on various factors.

**Motion:** Commissioner Tupou moved for approval subject to the 4 staff conditions.

Commissioner Matheson seconded the motion.

**Roll call vote:**

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Tupou	Yes
Commissioner Winters	Yes
Vice-Chairman Meaders	Yes

**Unanimous-C-18-2015- Approved**

**PLANNING COMMISSION BUSINESS**

Approval of Minutes from March 11, 2015 (Regular Meeting) **Approved**

Approval of Minutes from March 18, 2015 (Study Session) **Approved**

There being no further business, the meeting adjourned at 5:00 p.m.

Respectfully submitted,

---

Nichole Camac, Administrative Assistant